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For Immediate Release:

San Bruno Joins a Coalition to Appeal FCC Order on Small Cell Facilities

City of San Bruno will consider new ordinance regulating small cell wireless facilities in the City's right-of-way and easements

The City of San Bruno has drafted a new municipal code ordinance and related resolution regulating small cell wireless facilities in the City's right-of-way and easements in public and private properties to regulate the installation of small cell wireless facilities by wireless communication companies consistent with recently adopted Federal regulations. "Small cell" wireless facilities are low-powered wireless antennas that have a range of approximately 150 to 500 feet. The City will apply new regulations including Design and Siting Guidelines, Engineering Design Standards, and Standard Conditions of Approval in a new permitting process for wireless facilities in the City's right-of-way and utility easements.

The City joined a coalition of communities that appealed the Federal Communications Commission (FCC) small cell wireless facilities order and sought a stay request from the FCC pending resolution of the litigation at the urging of the cellular network industry, passed a declaratory ruling known as the "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment" in September 2018. The FCC ruling clarifies and more specifically restricts the authority of state and local governments to regulate small wireless facilities in the public right-of-way and public utility easements. The FCC Order defines small wireless facility, provides for the expedited processing of small wireless facility permit applications, limits the fees that can be assessed by municipalities on the review of these applications, and places new limitations on discretionary aesthetic criteria cities can apply to these facilities. The new application review "shot clock" for small wireless facilities is 60 days for placement on an existing structure and 90 days for installation of a new structure.

In response to the FCC order, the City also began reviewing its wireless facility regulations and permit processes in anticipation of the FCC Order going into effect. On December 10, 2018, the FCC refused to grant a stay of the order but ruled that to the extent agencies chose to impose aesthetic requirements, they would not go into effect until April 15, 2019, allowing agencies an additional 90 days to establish and publish aesthetic standards. The City published draft

Guidelines on its website for use in the interim period. The coalition is continuing to litigate the case on behalf of the member cities, including San Bruno.

The San Bruno Planning Commission held study sessions on small wireless facilities in 2018, and held a study session, public meeting, and community engagement session in 2019 to obtain community input on future City regulations for small cell wireless facilities in the public right-of-way and utility easements. Direction for the new regulations came from input that was received from the Planning Commission study sessions and the community engagement session.

The Guidelines are designed to provide flexibility to respond to the many different location contexts present in San Bruno and to optimize the aesthetic appearance of the facilities as much as possible in an objective manner. These regulations retain as much regulatory authority as is allowed under federal and state law. Reasonable limitations on the overall size of the antenna and the pole-mounted accessory equipment are established to reduce obstructions and standardize their appearance. Siting location preferences in which Industrial and Combining Industrial zoning districts are the highest ranked preference and low-density residential districts with single-family or two-family residential uses are the least preferred locations. Public notice will be provided by the City at the time of submittal. New poles are required to replicate the materials, color, and finish of existing infrastructure nearby.

The City of San Bruno City Council reviewed the draft regulations at a study session on May 14 and the final Ordinance and associated Resolution will be discussed and presented for formal acceptance and a first reading of the Ordinance at the June 11 City Council meeting.

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